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November 26, 2013

Via ECF

The Honorable William M. Skretny
Chief United States District Judge
Western District of New York
2 Niagara Square
Buffalo, New York 14202

**Re: NYSRPA et al. v. Cuomo et al.
W.D.N.Y. Case No. 13-cv-00291-WMS**

Your Honor:

This Office represents defendants Andrew M. Cuomo, Governor of the State of New York; Eric T. Schneiderman, Attorney General of the State of New York; and Joseph A. D'Amico, Superintendent of the New York State Police (collectively, the "State Defendants") in the above-referenced action. We write in response to Plaintiffs' November 22, 2013 letter to the Court (Docket No. 137) in order to correct certain factual errors in that letter regarding "the registration and transfer deadlines" for assault weapons and large-capacity magazines that were established by New York's Secure Ammunition and Firearms Enforcement Act, 2013 N.Y. Laws, ch. 1 (the "SAFE Act").

The State Defendants have no objection to Plaintiffs' request for oral argument on the dispositive motions currently before Your Honor. Should the Court desire oral argument, we would propose that a telephone conference be held at your Honor's convenience, so that a mutually agreeable date for such argument may be set.

The Court should be aware, however, that Plaintiffs' assertions regarding the impending registration and transfer deadlines for assault weapons and large-capacity magazines are not accurate. Contrary to what Plaintiffs state in their November 22 letter, under the provisions of the SAFE Act, those who lawfully possessed assault weapons prior to January 15, 2013 (the law's effective date) have *until April 15, 2014* to register these firearms with the State Police. Penal Law §§ 265.00(22)(g)(v), 400.00(16-a); (Declaration of Kevin Bruen, dated June 20, 2013

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(Docket No. 66) (“Bruen Decl.”) ¶ 27).¹ And owners of large-capacity magazines have *until January 15, 2014* to sell their magazines out of state or through an authorized in-state dealer, to transfer the magazines to law enforcement, to responsibly discard them in accordance with state law, or to permanently modify the magazines so they no longer have a capacity of more than ten rounds. Penal Law § 265.00(22)(h), (23); (Bruen Decl. ¶¶ 4, 32); *see* Penal Law §265.20(a)(1), (10).²

We look forward to discussing these and other issues with the Court.

Respectfully submitted,

/s/ *William J. Taylor, Jr.*

William J. Taylor, Jr.
Assistant Attorney General

cc: All Counsel on Attached Service List

¹ See <http://www.governor.ny.gov/nysafeact/gun-owners> (“Q: By when do I have to register my weapon? A: All assault weapons must be registered by April 15, 2014.”).

² See <http://www.governor.ny.gov/nysafeact/gun-owners> (“Q: How does the SAFE Act impact magazines? A: Since 1994, magazines sold in New York could contain up to 10 rounds. This continues to be true today. You may buy, sell, and possess any magazine that can hold up to 10 rounds, regardless of when it was manufactured. *If you have a magazine that can contain more than 10 rounds, you have until January 15, 2014 to permanently modify the magazine so that it holds no more than ten rounds, responsibly discard it, transfer it to a law enforcement agency or officer, or sell it to a dealer or an out of state purchaser.*” (emphasis added)).